

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ANGELINE L. SOPER  
1075 Three Rod Road  
Alden, New York 14004

Plaintiff,

**COMPLAINT**

v.

UNITED STATES OF AMERICA,

Civil Action No.:

Defendant.

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Plaintiff, ANGELINE L. SOPER, by her attorneys, Multerer Law Firm, PLLC for her verified complaint against the defendant, UNITED STATES OF AMERICA, alleges:

**FIRST CLAIM FOR RELIEF**

1. Plaintiff is a citizen of the United States of America and resides in the County of Erie and the State of New York.

2. The defendant is the UNITED STATES OF AMERICA.

3. This action arises under the Federal Tort Claims Act of 1948, 62 Stat. 982, 28 USC §§1346(b) 2671 et seq.

4. Venue is placed in this judicial district pursuant to 28 USC §1391.

5. Upon information and belief, at all times herein mentioned, the defendant, UNITED STATES OF AMERICA by its agents, servants and/or employees was the owner of certain premises located at 13127 Broadway Street in Alden, New York

6. Upon information and belief, at all times hereinafter mentioned, the aforementioned premises was operated by the United States Postal Service as a post office.

7. Upon information and belief, at all times hereinafter mentioned, agents, servants, and/or employees of United States Postal Service were responsible for the maintenance and upkeep of the aforementioned premises,

8. On or about June 1, 2017 the plaintiff ANGELINE L. SOPER was lawfully on the aforementioned premises owned by defendant, when she was caused to trip and fall on carpet inside the premises. Plaintiff sustained serious personal injuries as a result of this accident.

9. The incident described above was caused as the result of the negligence, carelessness and recklessness on the part of the defendant, UNITED STATES OF AMERICA and/or its agents, servants and/or employees.

10. Upon information and belief, the defendant UNITED STATES OF AMERICA is liable for the actions of the United States Postal Service and its employees based on the theory of *respondeat superior*.

11. As a result of the alleged incident, the plaintiff ANGELINE L. SOPER sustained bodily injuries and was painfully and seriously injured, and some of the injuries have resulted in permanent defects; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system; was caused to and did seek medical aid and attention; was caused to be confined to hospital, bed and home, was caused to and did incur great medical expenses and may incur further medical expense; and was caused to be incapacitated from her activities; and may be further incapacitated.

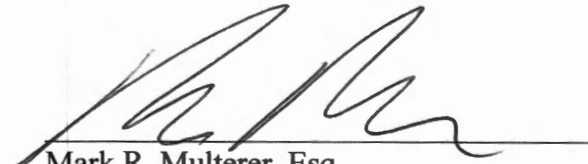
12. On or about April 3, 2018 plaintiff ANGELINE L. SOPER filed an Administrative Claim with the United States Postal Service as required by 28 USC §2675 in the amount of five hundred thousand (\$500,000.00) dollars, on behalf of plaintiff ANGELINE L. SOPER. The appropriate Federal Agency has failed to make a final disposition of the claims

within six (6) months after it was filed, and as such shall be deemed a final denial pursuant to 28 USC §2675(a).

13. Upon information and belief as a result of the foregoing, the plaintiff ANGELINE L. SOPER, has been damaged by the defendant UNITED STATES OF AMERICA, in the amount of Five Hundred Thousand (\$500,000.00) Dollars.

WHEREFORE, the plaintiff ANGELINE L. SOPER demands judgment against the defendant, UNITED STATES OF AMERICA, in the First Claim for Relief in the amount of Five Hundred Thousand (\$500,000.00) Dollars and for such other and further or different relief as to the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: December 10, 2018  
Buffalo, New York



Mark R. Multerer, Esq.  
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VERIFICATION

STATE OF NEW YORK     )  
COUNTY OF ERIE        ) s.s.:

ANGELINE L. SOPER, being duly sworn, deposes and says that she is the plaintiff in the within action; that she has read the foregoing COMPLAINT and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes it to be true.

  
ANGELINE L. SOPER

Sworn to before me this  
14<sup>th</sup> day of December, 2018

  
Notary Public

LAURA A. BRADLEY  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires March 28, 2021